IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2378 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI
and
Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MADHAVBHAI PREMABHAI SHELAT

Versus

LAND ACQUISTION OFFICER, NARMADA PROJECT

Appearance:
MR KM SHETH for Petitioner
MR SJ DAVE, AGP for Respondent No. 1

CORAM : MR.JUSTICE M.H.KADRI
and
MR.JUSTICE C.K.BUCH

Date of decision: 17/04/2000

ORAL JUDGEMENT (PER : M.H.KADRI, J)

Rule. Mr. S.J.Dave, learned AGP appears and waives service of Rule on behalf of the respondents. With

the consent of the learned advocates, petition is heard today.

By filing this petition, the petitioner prays issuance of a writ of mandamus or any other appropriate writ, order or direction against the respondents for not paying an amount of Rs. 13783.50 ps. to the petitioner for the acquisition of his lands bearing Block No.752 admeasuring about 7490 sq.mt. situated at village Matar (Talpad), Ta: Amod, District : Bharuch. It becomes apparent that instead of petitioner, one Shri Chimanbhai Maganbhai was paid the amount of compensation. Learned AGP Mr. Dave has also fairly stated at the Bar that the amount of compensation which was to be paid in fact to the petitioner, has been wrongly paid to said Chimanbhai Maganbhai. Before filing present petition, the petitioner had submitted an application on 3rd November,1992 to respondent no.1 requesting him to pay the amount of compensation after getting lands measured through the District Inspector, Land Record. Another letter dated 8th June, 1993 was also addressed to respondent no.1 requesting him to look into the matter of paying compensation to the petitioner of his lands which came to be acquired. It appears that after respondents realising their mistake, notice was issued on 19th November, 1999 to said Chimanbhai Maganbhai asking him to repay the amount of Rs.13783.50 which was wrongly paid to him instead of the petitioner.

In view of these admitted facts, respondent no.1 is directed to take appropriate action and to make payment of the amount of compensation as prayed for in the petition to the petitioner within 3 (three) months from today. Rule is made absolute which costs which is quantified at Rs. 500/- (Rs. five hundred only).

17.04.2000 [M.H. KADRI, J]

[C.K. BUCH, J]

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